

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-CV-23841-ALTONAGA

ANA ELVIRA GUILARTE TANTAU,

Plaintiff,
v.

PURE ORGANIC NAIL SALON & SPA, INC.
AND FRANCHESKA CANDELARIO,

Defendants.

AFFIDAVIT OF ATTORNEY'S FEES AND COSTS

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI DADE)

BEFORE ME, the undersigned authority, personally appeared NATHALY SAAVEDRA, ESQ., who after being first duly sworn by me and under oath, deposes and says:

- (1) I am an attorney in good standing in the State of Florida, have been admitted to practice in Florida since September 2015, and am the attorney of record for Plaintiff in the above-styled case. I make the statements herein based on personal knowledge.
- (2) I submit this Affidavit in support of Plaintiff's claims for attorney's fees and costs in connection with the Joint Motion to Approve FLSA Settlement.
- (3) If called to testify before the Court with regard to the contents of this Sworn Declaration, my testimony will be identical to the contents hereof.
- (4) I have over 7 years of experience handling civil litigation and trial work in the Florida state and federal courts, concentrating in employment and labor law, including cases involving claims under the Fair Labor Standards Act ("FLSA") and for unpaid wages.

(5) I have been previously awarded \$310.00 per hour for attorney's fees as a Junior Partner attorney working on FLSA matters¹.

(6) I make the statements herein based on personal knowledge, and my understanding of the law in this Court regarding attorney's fee rates and applications for attorney's fees. I am familiar with the prevailing market rates in this judicial circuit for attorneys with comparable skills, experience, and reputation.

(7) Per my firm's retainer agreement with Plaintiff, my agreed upon attorney's fee rate was and was at all relevant times \$310.00 per hour. I believe this to be a reasonable hourly rate for my services given my experience and the nature of the case.

(8) The attorney billing time records attached hereto as Exhibit "1" are true and accurate of the work I performed related to the claims on this matter.

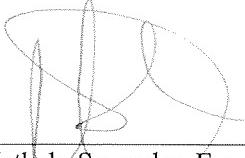
(9) I will have spent over 15 hours of attorney time in the FLSA claims of this case through the preparation of the Motion including preparation of the supporting affidavits. Accordingly, the total attorney's fees to be incurred in connection with the FLSA Claims in this action, based on my \$310.00 hourly rate, are \$4,764.10.

(10) As part of a negotiated settlement of the FLSA claims, the undersigned has agreed to reduced her fee from \$4,764.10 to \$3,295.00.

¹ See 1:20-cv-24277-JG Barrera Pichardo v. Fast Grill Enterprises of Hialeah et al. (finding Plaintiff's attorney hourly rate of \$310.00 to be reasonable); see also 22-cv-22009-CMA Abdala v. IT Miami LLC, et al.

(11) The total taxable costs incurred in this case were \$605.00. These costs are for the filing fee (\$402.00) the service of process charges (\$200.00) and copies costs (\$3.00).

FURTHER DECLARANT SAYETH NOT.



Nathaly Saavedra, Esq.

STATE OF FLORIDA

) SS:

COUNTY OF Miami-Dade)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths, personally appeared in the county and state of aforesaid Nathaly Saavedra, who was personally known to me or who identified him/herself through _____, and who, after being sworn, says that the foregoing answers are true and correct of his/her own personal knowledge.

IN WITNESS WHEREOF I set my signature and official seal this 14th day of February, 2023.



SEAL:

NOTARY PUBLIC
State of Florida at Large



Stephania Garcia
Comm. # GG949058
Expires: Jan. 20, 2024
Bonded Thru Aaron Notary

Exhibit 1 - Time Records for Nathaly Saavedra, Esq.

Time Records - EL - Guilarte-Tantau

02/14/2023

12:48 PM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
01/23/2022	⌚	Reviewed offer of Judgment served by Defendant	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.30h	\$350.00	-	\$105.00
11/01/2022	⌚	Initial Consultation with Client	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	1.00h	\$310.00	-	\$310.00
11/07/2022	⌚	Review of Documents provided by Client in support of Claims	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
11/10/2022	⌚	drafted complaint for Client's Review and approval	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	1.00h	\$310.00	-	\$310.00
11/15/2022	⌚	Corrected draft of Complaint to be sent to Client for review and approval.	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.80h	\$310.00	-	\$248.00
11/15/2022	⌚	Call with Client re: drafted Complaint and corrections	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
11/23/2022	⌚	Drafted Proposed Summons as to Defendant Pure Organic	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.10h	\$310.00	-	\$31.00
11/23/2022	⌚	Drafted Proposed Summons as to Individual Defendant	EL22-03356-Guilarte-Tantau	Nathaly Saavedra	0.10h	\$310.00	-	\$31.00

Time Records - EL - Guilarte-Tantau

02/14/2023

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
EL - Guilarte-Tantau, Ana v. Pure Organic Salon								
11/23/2022		Drafted and filed Coversheet	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.10h	\$310.00	-	\$31.00
11/23/2022		Received and reviewed Order directing the Filing of Statement of Claim (ECF No. 4) to ensure compliance	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.10h	\$310.00	-	\$31.00
11/28/2022		Drafted Statement of Claim for Client to approve	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.80h	\$310.00	-	\$248.00
11/28/2022		Prepared calculations of damages based on the documents provided by Client	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$350.00	-	\$140.00
12/05/2022		Finalized and filed Statement of Claim	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$350.00	-	\$70.00
12/06/2022		Reviewed and filed ROS for Defendant Pure Organic	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
12/06/2022		Reviewed and filed ROS for Defendant Candelario	EL22-03356-Guilarte-Tantau	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
15.11h							\$0.00	\$4,764.10
							0.00h	15.11h

Time Records - EL - Guilarte-Tantau

02/14/2023

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
EL - Guilarte-Tantau, Ana v. Pure Organic Salon								
12/06/2022	⌚	Reviewed Order to ensure compliance re: JSR (ECF No. 8)	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
12/06/2022	⌚	Received Notice of Attorney Appearance ECF No. 10	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
12/27/2022	⌚	Drafted and filed Notice of Compliance with Court Order ECF 4	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.30h	\$350.00	-	\$105.00
12/27/2022	⌚	Received and reviewed Answer and Aff. Defenses filed	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
12/27/2022	⌚	Conferral with Client re: Answer and Aff. Defenses filed	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
12/28/2022	⌚	Email correspondence with OC re: schedule a call and PPP loan app by Plaintiff	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
12/28/2022	⌚	Call with OC re: their position and defenses	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana	Nathaly Saavedra	0.50h	\$350.00	-	\$175.00
						15.11h	\$0.00	\$4,764.10
						0.00h	15.11h	

Time Records - EL - Guilarte-Tantau

02/14/2023

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
v. Pure Organic Salon								
12/29/2022	⌚	Call with client re: Defendants allegation and settlement authority	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.60h	\$310.00	-	\$186.00
12/29/2022	⌚	Email to Client re: Confirmation of Settlement authority	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
12/29/2022	⌚	Call to OC as scheduled. No answer.	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.10h	\$310.00	-	\$31.00
12/29/2022	⌚	Email correspondence to OC re: Scheduled call re: conferral on issues	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
12/29/2022	⌚	Call with OC re: case and settlement demand request	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.50h	\$310.00	-	\$155.00
12/29/2022	⌚	Call with Client re: Settlement negotiations	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
01/03/2023	⌚	Email exchange with OC re: Settlement negotiations	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
15.11h						\$0.00	\$4,764.10	
						0.00h	15.11h	

Time Records - EL - Guilarte-Tantau

02/14/2023

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
01/06/2023	⌚	Drafted proposed JSR pursuant to Court's Order	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.60h	\$310.00	-	\$186.00
01/06/2023	⌚	Drafted proposed Scheduling Order	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.30h	\$310.00	-	\$93.00
01/06/2023	⌚	Email to OC re: conferral on Drafted proposed JSR and proposed Scheduling Order	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.10h	\$310.00	-	\$31.00
01/10/2023	⌚	Review of Scheduling Order and requirements to ensure compliance ECF No. 15	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.30h	\$310.00	-	\$93.00
01/10/2023	⌚	Drafted and filed certificate of affiliates per Court's Order	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.30h	\$310.00	-	\$93.00
01/13/2023	⌚	Received and reviewed Defendants response to SOC	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
01/18/2023	⌚	Conferral with OC re: Settlement conference requirement and request for extension	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.30h	\$350.00	-	\$105.00
01/19/2023	⌚	Call with OC re: Settlement	EL22-03356-Guilarte-	Nathaly	0.30h	\$310.00	-	\$93.00
						15.11h	\$0.00	\$4,764.10
						0.00h	15.11h	

Time Records - EL - Guilarte-Tantau

02/14/2023

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		negotiations and parties' positions	Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Saavedra				
01/20/2023	⌚	Reviewed Order Scheduling Settlement conference for 2/16/2023 to ensure compliance	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
01/26/2023	⌚	Call with Client re: Offer of Judgment	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.40h	\$310.00	-	\$124.00
01/31/2023	⌚	Called Client no answer- Unable to leave a VM	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.01h	\$310.00	-	\$3.10
02/03/2023	⌚	Called Client re: Offer of Judgment and settlement terms	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
02/03/2023	⌚	Conferral with OC re: Settlement negotiations	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	0.20h	\$310.00	-	\$62.00
02/06/2023	⌚	Drafted Proposed Settlement agreement	EL22-03356-Guilarte-Tantau EL - Guilarte-Tantau, Ana v. Pure Organic Salon	Nathaly Saavedra	1.00h	\$310.00	-	\$310.00
						15.11h	\$0.00	\$4,764.10
						0.00h	15.11h	